

BEFORE THE

## Federal Communications Commission

WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MM Docket No. 99-_____
Table of Allotments	)	RM-_____
FM Broadcast Station	)	
(Bristol, Vermont)	)	

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**PETITION FOR RULE MAKING**

Blue Sky Broadcasting, LLC ("Blue Sky"), pursuant to Section 1.401 of the Commission's rules, and by its attorney, hereby requests that the Commission initiate a rule making proceeding to amend Section 73.202(b) of its rules by allotting Channel 248A to Bristol, Vermont, as that community's first local transmission service.

Specifically, Blue Sky requests that the FM Table of Allotments be amended as follows:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Bristol, Vermont	--	248A

In support of this Petition, Blue Sky states as follows:

**TECHNICAL CONSIDERATIONS**

As demonstrated by the Technical Narrative attached hereto as Exhibit A, the requested allotment of Channel 248A to Bristol complies with the minimum distance separation requirements for domestic stations, without the necessity of imposing a site restriction. As

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shown in Exhibit A, however, because the proposed Channel 248A reference point is approximately 94 kilometers from the nearest point of the United States / Canadian border, frequency coordination with Canada is requested. See 47 C.F.R. § 73.207(b)(2) (1998).<sup>1</sup> The allotment of Channel 248A to Bristol will provide the community with its first local transmission service, providing the Commission with a preferential arrangement of FM allotments.<sup>2</sup>

### **POLICY CONSIDERATIONS**

As noted above, the community of Bristol, Vermont currently has no local aural transmission service, although it has the social, economic and cultural characteristics of a community that make it deserving of a station allotment. The 1990 United States Census, which defines Bristol as a "village," reported it as having a population of 1,801 people, with an increase to 1,959 people as of 1995. Bristol has its own town hall and a full time town clerk, police and fire departments, rescue services, municipal water system, post office and telephone exchange. There is also a church, elementary school and high school in Bristol. Many businesses are located in the community, including Bristol Bakery and Cafe, Bristol Animal Hospital, Bristol

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<sup>1</sup>In addition, as shown in Exhibit A, Channel 248A from the proposed reference points at Bristol, Vermont is short-spaced to CHOM-FM, Channel 249C1, Montreal, Quebec, Canada. Therefore, this proposed allotment is requested as a specially negotiated, short-spaced, maximum facility. Such specially negotiated allotments have previously been granted with approval from the Commission. See, e.g., Albion, Honeoye Falls and South Bristol Township, New York, DA 98-1574 (released August 14, 1998).

<sup>2</sup>Under the Commission's allotment criteria, priority for service is in the following order: (1) provision for first full-time aural reception service; (2) provision for second full-time aural reception service; (3) provision for first local transmission service; and (4) provision for other public interest factors. Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870, 4873 (1989), recon. granted in part, 5 FCC Rcd 7094 (1990)

Electronics, Bristol Financial Service, Bristol Market, Bristol Tours and the Bristol Trading Post. Bristol therefore exhibits the independent characteristics of a community that would greatly benefit from a first local broadcast service.

If the proposal set forth herein is adopted, Blue Sky will file the appropriate application for Channel 248A at Bristol when the Commission opens a filing window, and, if authorized, will proceed promptly with the construction and operation of the new station.

**CONCLUSION**

For the foregoing reasons, Blue Sky respectfully requests that the Commission initiate the rule making requested herein to amend Section 73.202(b) of the Commission's rules, the Table of Allotments for FM Broadcast Stations, to allot Channel 248A to Bristol, Vermont.

Respectfully submitted,

**BLUE SKY BROADCASTING, LLC**

By: \_\_\_\_\_

David D. Oxenford

Its Attorney

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Dated: June 2, 1999

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Blue Sky Broadcasting, LLC  
Petition for Rulemaking  
Channel 248A, Bristol, Vermont

## **EXHIBIT A**

TECHNICAL EXHIBIT  
IN SUPPORT OF A  
PETITION FOR RULE MAKING  
TO AMEND THE FM TABLE OF ALLOTMENTS  
CHANNEL 248A  
BRISTOL, VERMONT

Technical Narrative

This technical narrative and associated exhibits were prepared in support of a Petition for Rule Making to amend Section 73.202(b) by the allotment of channel 248A (97.5 MHz) to Bristol, Vermont.

Proposed Change in Table of Allotments

It is requested that Section 73.202(b) be amended by the allotment of channel 248A to Bristol, Vermont. Bristol is located in Addison County and has a 1990 U.S. Census population of 1,801 persons. Bristol has no local FM or AM stations. Therefore, Petitioner's proposal would provide a first local aural broadcast service to Bristol. The proposed changes are as follows:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Bristol, Vermont	--	248A

The proposed channel 248A reference point is located approximately 94 km from the nearest point of the U.S.-Canadian border; therefore, coordination with Canada is necessary.

Compliance With FCC Rules

The attached Figure 1, Sheet 1, is a tabulation of required separations pertinent to use of channel 248A at Bristol. As shown, the allotment reference coordinates (N44°10'37"/W73°08'27") comply with the Commission's minimum distance separation requirements contained in

Section 73.207 with respect to all existing, authorized and proposed domestic stations and allotments.

A short-spacing for channel 248A at Bristol is indicated on Figure 1, Sheet 1, with one Canadian station, namely, CHOM-FM on channel 249C1 at Montreal, Quebec. Therefore, it is requested that the proposed allotment of channel 248A at Bristol be coordinated with Canada as a specially-negotiated, short-spaced, maximum facility (ERP 6 kW/100 meters) Class A allotment. Sheet 2 of Figure 1 is an allocation study based on the U.S.- Canadian FM Agreement (Ottawa, February 1991) which indicates that operation on channel 248A at Bristol would be permitted with maximum Class A facilities towards CHOM-FM.

Figure 2 is a map showing the area to locate channel 248A at Bristol in compliance with the Commission's minimum distance separation requirements and city coverage requirements based on maximum Class A facilities (ERP 6 kW/HAAT 100 m). The Bristol city limits shown on Figure 2 were obtained from a map contained in the 1990 U.S. Census of Population.<sup>1</sup>

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<sup>1</sup> Bristol is defined as a "village" in the 1990 Census.

Conclusion

Channel 248A can be allotted to Bristol, Vermont in compliance with all applicable Commission Rules. It will be necessary to coordinate the proposal with Canada as a specially-negotiated, short-spaced, maximum facility (ERP 6 kW/100 meters) Class A allotment.

*W. Jeffrey Reynolds*

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201 Fletcher Avenue  
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April 2, 1999



FM SEPARATION STUDY

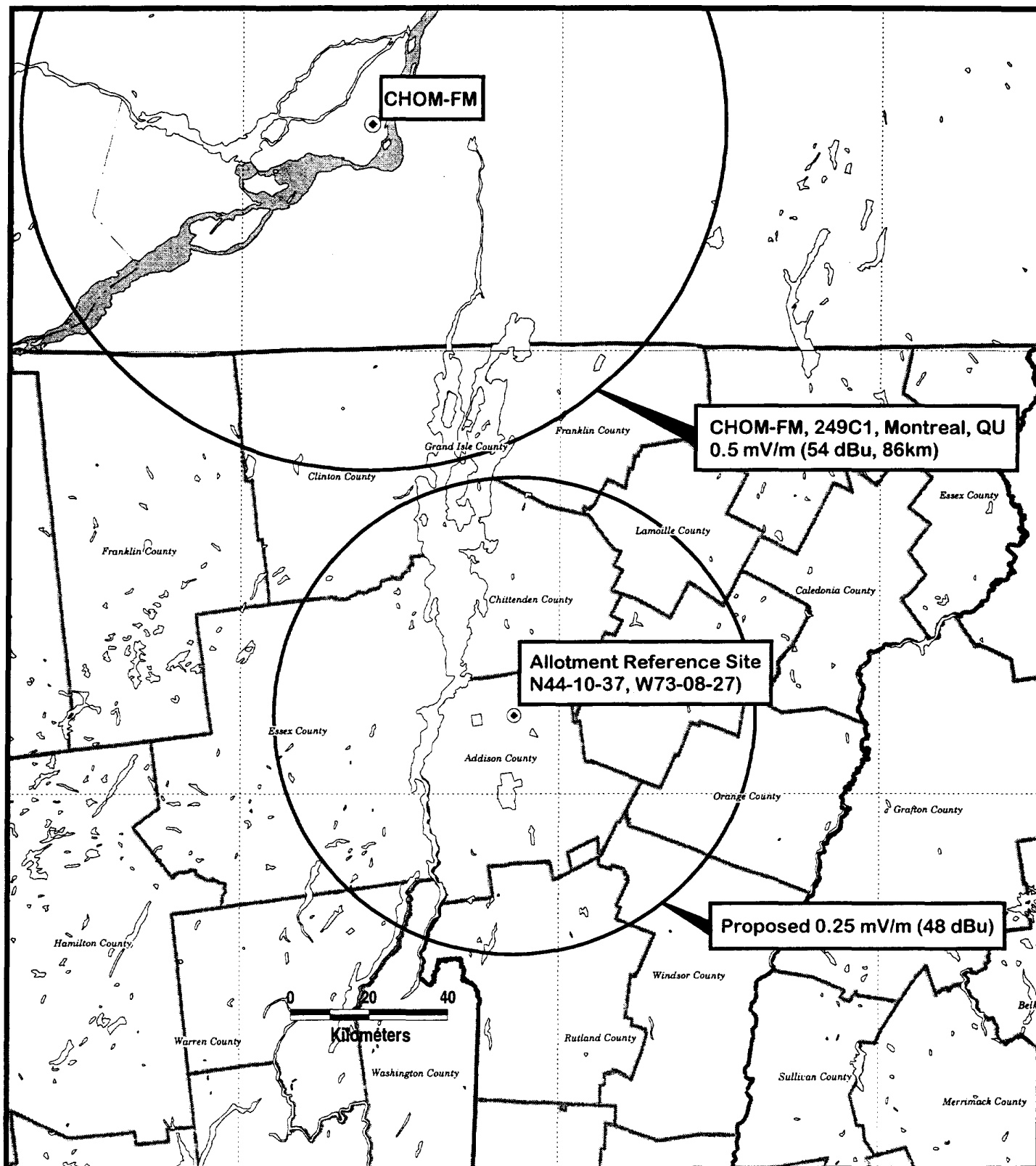
Job Title : Proposed Ch. 248A, Bristol, VT                      Separation Buffer 32 km  
FCC DB Date : 03/26/99  
Channel 248A ( 97.5 MHz)                      Coordinates : 44-10-37 73-08-27

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
WZRT	Rutland		246C2	1.15	43-36-17	157.9	68.60	55
LIC	VT	BLH850823LN	97.1	790.0	72-49-14		13.60	CLOSE
Transmitter is located in Zone II								
W247AG	South Burlington		247D	.013	44-27-04	350.2	30.94	0
CP	VT	BPFT961106TB	97.3	58.0	73-12-27		.00	TRANS
Translator for WXPS, Vergennes, VT.								
	Sherbrooke		247C1		45-24-00	35.3	167.69	168
	QU		97.3	.0	71-54-00		-0.31	CLOSE
Proposed by Canada 960917-Accepted by Commission 961102								
	Sherbrooke		247C1		45-24-00	35.3	167.69	168
	QU		97.3	.0	71-54-00		-0.31	CLOSE
WZEC	Hoosick Falls		248A	.49	42-51-47	182.9	146.17	115
LIC	NY	BLH910722KC	97.5	340.0	73-13-56		31.17	CLEAR
Proposed to Canada as B1 on 910327-Accepted by Canada on 910423								
WOKQ	Dover		248B	50.	43-13-26	120.5	204.42	178
LIC	NH	BLH940214KE	97.5	150.0	70-58-18		26.42	CLEAR
WFRYFM	Watertown		248C1	97.	43-57-23	264.5	218.10	200
CPM	NY	BMPH981117IF	97.5	145.0	75-50-45	SS	18.10	CLEAR
WFRYFM	Watertown		248C1	100.	43-57-23	264.5	218.10	200
LIC	NY	BLH920930KA	97.5	87.0	75-50-45		18.10	CLEAR
Proposed to Canada as Class C1 950126-Accepted by Canada 950331								
WGMR	Lyndon		249C3	.600	44-34-15	65.7	108.57	89
LIC	VT	BLH970801KD	97.7	574.0	71-53-40		19.57	CLEAR
One-Step Application from Channel 252A								
Proposed to Canada as Class B1 960516-Specially negotiated, short-spaced allotment limited to 22.0Watts ERP and 700m HAAT or the equivalent towards channel 249C1 in Montreal, QU.								
CHOMFM	Montreal		249C1	41.	45-30-20	346.6	151.91	168
	QU		97.7	299.0	73-35-32		-16.09	SHORT <sup>1</sup>
WJJR	Rutland		251B	1.15	43-36-17	157.9	68.60	69
LIC	VT	BMLH860411KF	98.1	790.0	72-49-14		-0.40	CLOSE
Class B in Zone II per CP BPH-840427ID								
Specially negotiated short spaced allotment to Canada								

\*\* End of separation study for channel 248A \*\*

<sup>1</sup>It is requested that this proposal be coordinated with Canada as a "short-spaced" maximum facilities (ERP 6 kW/HAAT 100 meters) Class A allotment with the CHOM-FM channel 249C1 assignment at Montreal, Quebec. See Figure 2.

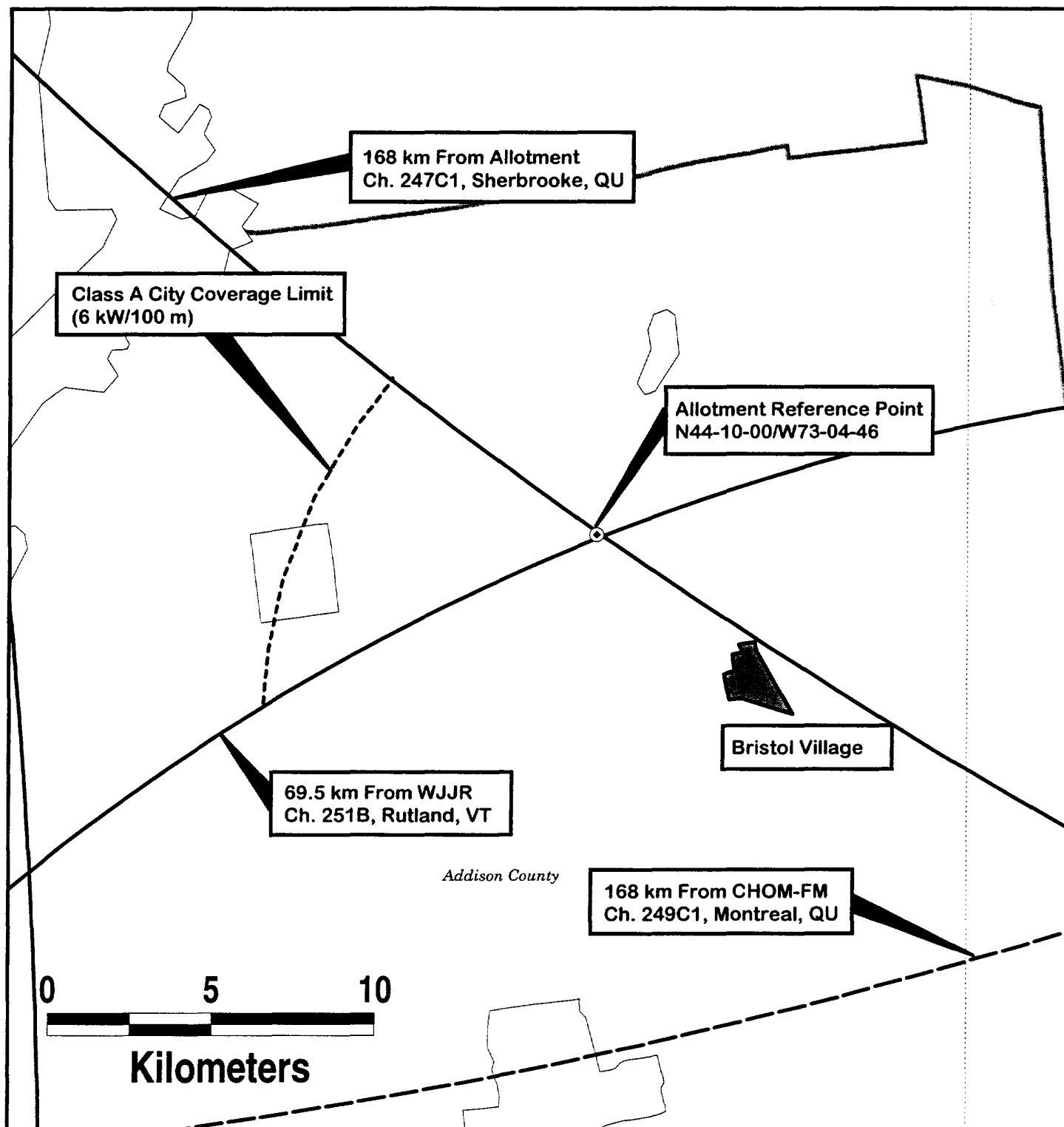
Figure 1  
Sheet 2 of 2



**CANADIAN ALLOCATION STUDY  
CHANNEL 248A  
BRISTOL, VERMONT**

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

Figure 2



AREA TO LOCATE  
CHANNEL 248A  
BRISTOL, VERMONT